

CAUSE NO. 2018-CV-3354-DC

VICTORIA ADVOCATE PUBLISHING CO., § IN THE DISTRICT COURT OF  
Plaintiff, §  
§  
V. § CALHOUN COUNTY, TEXAS  
§  
CALHOUN PORT AUTHORITY §  
Defendant. § 135TH JUDICIAL DISTRICT

\*\*\*\*\*

ORAL DEPOSITION OF

RANDY L. BOYD

JULY 31, 2018

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ORAL DEPOSITION OF RANDY L. BOYD, produced as a witness at the instance of the Plaintiff, and duly sworn, was taken in the above-styled and -numbered cause on the 31st day of July, 2018, from 1:55 p.m. to 3:11 p.m., before TOI K. DOWELL, CSR, in and for the State of Texas, reported by machine shorthand at the offices of ROBERTS, ROBERTS, ODEFEY, WITTE & WALL, LLP, 2206 State Highway 35 North, Port Lavaca, Texas, pursuant to the Texas Rules of Civil Procedure and the provisions stated on the record or attached hereto.

A P P E A R A N C E S

FOR THE PLAINTIFF:

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ALSO PRESENT: Mr. Chris Cobbler

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1 THE REPORTER: Will you state your  
2 stipulations for the record?  
3 MR. GRIFFIN: Do it pursuant to the Rules.  
4 THE REPORTER: Read and sign?  
5 MR. COBB: Yes.  
6 RANDY L. BOYD,  
7 having been first duly sworn, testified as follows:  
8 EXAMINATION  
9 BY MR. GRIFFIN:  
10 Q Will you state your name, please?  
11 A Randy Boyd.  
12 Q Mr. Boyd, we've known each other since high school.  
13 Would that be fair to say?  
14 A Yes, sir.  
15 Q All right. After you graduated from Calhoun High  
16 School, did you go to college?  
17 A No.  
18 Q All right. Did you take any type of post-high  
19 school courses or anything like that?  
20 A I have over the years.  
21 Q All right. And what type of courses would those  
22 be?  
23 A Dredging courses.  
24 Q What is your occupation, sir?  
25 A I'm president of the company called RLB

1 Contracting.

2 Q And what does RLB Contracting do?

3 A Civil and marine construction.

4 Q All right. And how long have you been with RLB

5 Contracting?

6 A Since May of 2000.

7 Q May of 2000? And where were you employed before

8 that?

9 A Before that I was employed for -- with Orion

10 Construction.

11 Q All right. How long were you with Orion?

12 A About two years.

13 Q What were you doing for Orion?

14 A I was the vice president.

15 Q And what -- where did you work before Orion?

16 A I was with a company called King Fisher Marine

17 Service.

18 Q All right. And how long were you with King Fisher?

19 A 20-plus years.

20 Q All right. And you know we're here to talk about

21 Mr. Farenthold being hired as the legislative liaison?

22 A Yes, sir.

23 Q All right. And you sat through Charles Hausmann's

24 deposition; is that correct?

25 A Yes, sir.

1 Q All right. Before we get started, is there

2 anything that jumps out at you, would you say, no, that

3 wasn't right, what he testified to?

4 MR. COBB: Objection. Form.

5 Q (By Mr. Griffin) And if so, just tell me.

6 A I haven't given it enough thought at this time.

7 Q If something crops up, would you mind telling me?

8 A The biggest issue I can say off the top of my

9 head --

10 Q Sure.

11 A -- is, numerous times in his deposition you stated

12 that Mr. Farenthold was a lobbyist, and that's incorrect.

13 Q Okay. So he was not a lobbyist?

14 A He is not a lobbyist. He's a legislative liaison

15 for the port.

16 Q Right. In your mind, what's the difference between

17 a legislative liaison and a lobbyist?

18 A I would think a lobbyist would represent numerous

19 clients. A legislative liaison would be representing only

20 who they work for.

21 Q Okay. Fair enough. And before we get started, do

22 you remember me talking to Mr. Hausmann about Exhibit No. 8?

23 That's his declaration.

24 A Yes, sir.

25 Q And do you agree with what he has put there as far

1 as Mr. Farenthold's job duties?

2 A I don't know.

3 Q Have you ever seen Exhibit No. 8 before?

4 A No, sir, I haven't.

5 Q Okay. Well, I'll give you a few minutes to take a

6 look at it.

7 A I think I would generally agree with it.

8 Q Okay. Is there anything in there you specifically

9 do not agree with?

10 A I would generally agree with it.

11 Q Okay. Fair enough. Mr. Farenthold's salary, do

12 you know how that salary was decided upon?

13 MR. COBB: I will give you the same admonition

14 I gave Mr. Hausmann, to the extent that your answer

15 would reveal attorney-client communications, and violate the

16 attorney-client privilege, please don't answer; and

17 attorney-client communications are those made with an

18 attorney for the purpose of obtaining legal reputation.

19 So if you can answer, answer. If it would violate

20 the privilege --

21 A It would violate the privilege, I believe.

22 Q (By Mr. Griffin) I'm not asking for you to reveal

23 anything. I'm just asking, do you know how the salary was

24 decided upon?

25 A It would violate the privilege.

1 MR. GRIFFIN: Okay. So are you instructing

2 him not to answer?

3 MR. COBB: I'm instructing him not to answer

4 if his response would violate the privilege.

5 Q (By Mr. Griffin) Okay. You're taking your

6 attorney's advice and refuse to answer?

7 A Yes, sir, I am.

8 Q Okay. Do you know who decided on the amount to pay

9 Mr. Farenthold?

10 A I assume the port director when he hired him.

11 Q Okay. Did you play any role in that?

12 A Other than the discussions that were held with

13 attorneys that are privileged, no.

14 Q Okay. And are you refusing to -- to give me the

15 details of those discussions?

16 A I stand by my answer.

17 Q Okay. So you're refusing to answer that question?

18 A I stand by my answer.

19 Q Okay. Do you know who was the person that first

20 suggested that Mr. Farenthold be hired as a port employee?

21 A I believe that would go back to privilege of

22 attorney-client.

23 Q Okay. So you're refusing to answer that question?

24 A I'm stating that that would be attorney-client

25 privilege in that conversation.

1 Q Sure. And I just need to get down on the record  
2 that you are refusing to answer that question.  
3 A I'll stick by the answer I gave.  
4 Q Which is, you're not going to answer it.  
5 A Which is, that is an attorney-client privilege in  
6 that conversation.  
7 Q Will you answer that question?  
8 A That is my answer.  
9 Q Okay. How did you become aware that Blake  
10 Farenthold was being considered as a port employee?  
11 A I believe that's going to go back to privilege --  
12 with attorney-client privilege. And if we can stop for a  
13 minute and I can consult with my attorney for a moment?  
14 MR. COBB: Sure. No problem.  
15 THE WITNESS: Yeah. Maybe I can clear some  
16 things up, but I need to ask him some questions.  
17 MR. GRIFFIN: Sure.  
18 (Off the record from 2:04 p.m. to 2:09 p.m.)  
19 Q (By Mr. Griffin) The person who first talked to you  
20 about the port hiring Mr. Farenthold, that would be  
21 protected by attorney-client privilege. Is that your --  
22 MR. COBB: No. I don't know the answer  
23 specifically; but I know the distinctions he's making in his  
24 mind, and it's accurate if there's a difference between  
25 hiring him as an employee --

1 MR. GRIFFIN: Uh-huh.  
2 MR. COBB: -- and thinking about engaging him  
3 generally to assist.  
4 MR. GRIFFIN: Okay.  
5 Q (By Mr. Griffin) Well, who was the first person who  
6 suggested to you that Blake Farenthold might be able to  
7 assist the port authority?  
8 A In that capacity, it was myself?  
9 Q So you came up with the idea?  
10 A When I heard that Mr. Farenthold was not going to  
11 be running for Congress again, I had been in Washington  
12 D.C. I had met with the members of the Corps of Engineers  
13 under the capacity of being with the Dredging Contractors of  
14 America, an association that we're associated with.  
15 At that meeting, it was explained to me that with  
16 the Harvey Relief Fund and with the Corps' Presidential  
17 budget that the Corps generally has about five-and-a-half  
18 billion dollars a year to do work.  
19 Q Okay.  
20 A With everything they had been appropriated, they  
21 were given approximately \$23 billion to do work.  
22 Q In addition to the five-and-a-half billion?  
23 A No, sir. That's inclusive.  
24 Q Okay.  
25 A When I heard that, my concern was that the Corps,

1 because they had money, would expedite doing our jetty  
2 project; and with us not having the proper language that we  
3 needed, we would be forced to pay, as a port authority, a  
4 pro rata share of that.  
5 At that time, it was a 50-percent share.  
6 Q Okay.  
7 A So if you said it was a hundred-million-dollar  
8 project, it was gonna cost the port \$50 million.  
9 Q Okay.  
10 A It was a question of, you know, if Mr. Farenthold  
11 was gonna run again, could he possibly help us to get the  
12 language that we needed through.  
13 Q All right.  
14 A So I came up with that original idea.  
15 Q When was this?  
16 A That was in March.  
17 Q Of this year?  
18 A Of this year.  
19 Q All right. What did you do to act upon that idea?  
20 A I discussed it with Charles.  
21 Q Okay.  
22 A Outside of the boardroom; and I may have discussed  
23 it with Dell Weathersby, another board member.  
24 Q And in your mind, Mr. Boyd, what was it that you  
25 wanted Mr. Farenthold to do for the port?

1 A In my mind, what we need done is to get the proper  
2 language through Congress and through the President to allow  
3 the Calhoun Port Authority to not have to pay for these  
4 jetties' rebuild.  
5 The jetties and the channel were originally built  
6 in a cost-sharing agreement with the Federal Government.  
7 Q Right.  
8 A So the bottom line is, the port has paid their  
9 share. The port had nothing to do with the design; nothing  
10 to do with the construction.  
11 I wrote in a letter, sitting as chairman of the  
12 board of this port in 1999, identifying this problem; and  
13 the problem is that when the port jetties were built, the  
14 jetties are approximately a thousand foot apart. They have  
15 what's called a "bottleneck," and then they widened out.  
16 Q I've been out there. I know.  
17 A You've been there. When the channel was originally  
18 dug, the channel was about 400 foot wide and minus 40 foot  
19 deep. Okay?  
20 Q Okay.  
21 A When the channel was dug -- I think it was in '60,  
22 '61, '62 -- we had just had Hurricane Carla. After  
23 Hurricane Carla, Pass Cavallo was approximately 1 mile wide  
24 and 30 feet deep. So the relief for the water was going  
25 through the pass.

1 Q Right.

2 A When the channel was dug, you came up with two

3 reliefs for all the water in the bay.

4 Q Right.

5 A Over the years since then, Pass Cavallo has silted

6 in substantially.

7 Q All right.

8 A To where more and more flow has gone through our

9 jetties.

10 Q Okay.

11 A Today in the jetties, where the rocks are

12 approximately a thousand foot apart, the channel is

13 approximately 900 foot wide and about 110 feet deep.

14 Q Okay.

15 A So there is a great possibility that the jetties

16 will fail.

17 Q Okay.

18 A This is an imminent danger that we addressed in

19 '99. It's gotten worse since then. It's gotten deeper. It

20 was not as deep, as it is today, in 1999. It's gotten

21 deeper over the years.

22 So what we are looking for, in my mind, is the fact

23 of a fix for this.

24 Q Right.

25 A In '99 we addressed it. Over the years the Corps

1 has bounced this around in numerous ways.

2 I believe it was in 2016 the Corps finally declared

3 it a defective design. So if you have a defective design,

4 should the taxpayers of Calhoun County have to pay for that

5 a second time? My answer to that question is, "No."

6 Q Okay. So you thought Mr. Farenthold would be able

7 to help you change the language to where the Calhoun Port

8 Authority would not pay anything.

9 A That was -- that is, I believe, the goal.

10 Q The goal, right.

11 A Correct.

12 Q Okay.

13 A And the question is, "Who out there could do this?"

14 Q Okay. And as we sit here today, has that mission

15 been accomplished?

16 A Not to my knowledge at this time.

17 Q Okay. After you first became aware of that idea,

18 and you talked to Mr. Hausmann, what happened next as far as

19 the hiring of Mr. Farenthold?

20 A Well, the next thing that went on was that there

21 was an appropriations bill that was being worked in this

22 "Word of Bill," I believe y'all heard him talk about.

23 Q I heard it.

24 A Kind of the thought pattern, for myself, was that

25 if Mr. Farenthold doesn't run for office, he doesn't become

1 available till December.

2 The Corps of Engineers has the money right now. We

3 need something done immediately. He's not available. So it

4 kind of went blank.

5 Q Okay.

6 A What do we do? Who do we hire? Who's out there?

7 Whatever.

8 When it came back to light was when he actually

9 resigned.

10 Q Okay.

11 A Because when he resigned is when he became

12 available, in a time frame that would allow some things to

13 possibly get done.

14 Q Okay. Who notified Mr. Farenthold about the port's

15 interest?

16 A Mr. Farenthold has known about this jetty situation

17 since he's been in Congress.

18 Q But who notified him about the port's interest in

19 taking -- bringing him on to help them?

20 A I don't know.

21 Q Did you ever talk to him about that?

22 A No, sir, I did not.

23 Q Did you ever communicate your interest to

24 Mr. Farenthold about him helping the port?

25 A I did not talk to Mr. Farenthold about this at all.

1 Q All right. So it would only have been Charles that

2 you talked to. Charles Hausmann.

3 A I spoke to Charles about this, correct.

4 Q All right. How long have you known Mr. Farenthold?

5 A Since he became a sitting congressman.

6 Q Do you consider him a friend?

7 A Yes. I think he's done a tremendous amount of good

8 for Calhoun County.

9 Q All right. In your mind, at the May 9th meeting

10 where -- he was -- he was actually hired at the May 9th

11 meeting; is that right?

12 A After the May 9th meeting.

13 Q All right. Prior to the May 9th meeting, did you

14 consider the pros and cons of hiring him?

15 A Yes, sir, I think I did.

16 Q All right. And what were the pros?

17 A His experience in knowing our situation. His

18 experience of knowing how to get things to Congress, and his

19 ability to get things to Congress.

20 Q All right. And what were the cons?

21 A Very few, if any.

22 Q Which ones come to mind, to you?

23 A None come to mind.

24 Q During the May 9th board meeting, were the pros and

25 cons of hiring Mr. Farenthold discussed?

1 MR. COBB: Objection. It's attorney-client  
2 privilege.  
3 A It's attorney-client privilege.  
4 MR. COBB: The witness confirmed that those  
5 conversations were had in the presence of an attorney for  
6 the purpose of the seeking legal advice.  
7 MR. GRIFFIN: Are you instructing him not to  
8 answer?  
9 MR. COBB: If the factual predicate is  
10 correct, yes.  
11 A Yes. I'm not answering it in accordance with the  
12 -- in accordance with the directive of my lawyer.  
13 Q (By Mr. Griffin) Thank you. Was the salary range  
14 discussed at that board meeting?  
15 MR. COBB: Objection. Attorney-client  
16 privilege to the extent that those discussions were had in  
17 the presence of an attorney for the purpose of seeking legal  
18 advice.  
19 MR. GRIFFIN: Are you instructing Mr. Boyd not  
20 answer?  
21 MR. COBB: If the factual predicate to the  
22 privilege is present, yes.  
23 A I'm following the advice of my attorney.  
24 Q (By Mr. Griffin) Thank you. Did you discuss at the  
25 May 9th meeting what Mr. Farenthold was being hired to do?

1 A Same answer.  
2 MR. COBB: I will object; and on the grounds  
3 of attorney-client privilege, may I have a moment with my  
4 witness.  
5 MR. GRIFFIN: Sure.  
6 (Off the record from 2:19 p.m. to 2:20 p.m.)  
7 MR. COBB: Back on the record. Repeat the  
8 question just so I don't --  
9 Q (By Mr. Griffin) At the May 9th meeting, did y'all  
10 discuss what Mr. Farenthold would be doing for you if he was  
11 hired?  
12 MR. COBB: Objection. Attorney-client  
13 privilege.  
14 MR. GRIFFIN: Are you instructing him not to  
15 answer?  
16 MR. COBB: I am.  
17 THE WITNESS: And I'm following the advice of  
18 my attorney.  
19 MR. GRIFFIN: Thank you.  
20 Q (By Mr. Griffin) Now as I understand it, on May 9th  
21 Mr. Hausmann had the authority to hire Mr. Farenthold at  
22 that time.  
23 A Yes.  
24 Q Is that right? But before he could hire someone,  
25 he needed to consult with the board. Is that fair to say?

1 MR. COBB: Objection. Form.  
2 A No.  
3 Q (By Mr. Griffin) He did not need to consult?  
4 A He did not have to. It's not prerequisite in any  
5 way that I know of.  
6 Q Okay. Did he consult with the board about the  
7 hiring of Mr. Farenthold at the May 9th meeting?  
8 MR. COBB: Objection. Privilege. I mean, you  
9 can answer the question.  
10 A Everything that Mr. Hausmann stated was stated in  
11 closed session with our attorney, under the advice of our  
12 attorney; and thus, I believe that is privileged  
13 information, and I have to stand by the advice of our  
14 attorney not to answer.  
15 Q Okay. Sounds good. Mr. Boyd, what is your  
16 understanding of the port's obligation to give the public  
17 notice of the subjects deliberated by the board?  
18 A State the question again.  
19 Q Yeah. What is your understanding of the port's  
20 obligation to give the public notice of the subjects  
21 deliberated by the board?  
22 MR. COBB: Objection. Form.  
23 A That we have to follow the Texas Open Meetings Act.  
24 Q (By Mr. Griffin) All right. And in your own words,  
25 what would that be?

1 A To follow the Texas Open Meetings Act.  
2 Q Yeah. But what does that mean to you?  
3 A To follow the Texas Open Meetings Act.  
4 Q Can you explain -- can you tell me what your  
5 understanding of the Texas Open Meetings Act is?  
6 A I think the Texas Open Meetings Act is  
7 self-explanatory.  
8 Q So that's your answer?  
9 A Yes, sir.  
10 Q Just follow the Texas Opening Meetings Act?  
11 A Follow the Texas Open Meetings Act.  
12 Q And how does the port give notice of the subjects  
13 of its meetings?  
14 A Through a published agenda.  
15 Q All right. And who is the one who prepares the  
16 agenda?  
17 A Normally, it will be the port director and counsel.  
18 Q Have you ever participated in that?  
19 A No, I have not.  
20 Q And, Mr. Boyd, what have you done to become  
21 acquainted with the port's obligations under the Texas Open  
22 Meetings Act?  
23 A I've taken the required video course. We also sit,  
24 as a port, as a member of the American Association of the  
25 Port Authority who have commissioner seminars and whatnot;

1 and I've been in numerous commissioner seminars, which may  
 2 or may not have discussed the Open Meetings Act.  
 3 Q Okay. Anything else that you can think of?  
 4 A Not off the top of my head right now.  
 5 Q All right. And what did the port do to ensure that  
 6 its board members are familiar with the obligations under  
 7 the Texas Open Meetings Act?  
 8 A The board -- or the port ensures that each member  
 9 has gone through the required video and offers the  
 10 opportunity to attend some of these seminars.  
 11 Q Where it may or may not be discussed, correct?  
 12 A May or not be -- may or may not be discussed; and  
 13 there is probably some discussion with legal counsel also.  
 14 Q Okay. I'm not sure if I asked this question  
 15 correctly or not, but are you involved in any way in  
 16 providing the notice to the public of what's going to be  
 17 discussed?  
 18 A No.  
 19 Q Who decides what the port will discuss at their  
 20 meetings? What goes on the agenda?  
 21 A Normally, that's the port director and clients, and  
 22 each board member has the opportunity to request something  
 23 to be on the agenda.  
 24 Q Okay. And as far as the specificity of the notice  
 25 given on the agenda, that would be something Mr. Hausmann

1 does in conjunction with legal counsel; is that right?  
 2 A Mr. Hausmann, I think, would be primary person with  
 3 legal counsel reviewing to ensure compliance with Texas  
 4 Opening Meetings Act.  
 5 Q To your knowledge, has the port ever hired someone  
 6 as an employee as famous as Congressman Blake Farenthold?  
 7 MR. COBB: Objection. Form.  
 8 A I don't know.  
 9 Q (By Mr. Griffin) Are you aware of any?  
 10 A I don't know.  
 11 Q I asked Mr. Hausmann about this, but I'll get your  
 12 opinion on it too. Is there any -- has the port ever hired  
 13 another employee at \$160,000 other than Mr. Farenthold and  
 14 Mr. Hausmann that you're aware of?  
 15 A I don't know.  
 16 Q Has the port ever hired a -- another full-time  
 17 legislative liaison?  
 18 A Not that I know of.  
 19 Q When y'all go from public session to the -- to the  
 20 closed session, who all is generally in the closed session?  
 21 MR. COBB: Objection. Form.  
 22 A It will depend.  
 23 Q (By Mr. Griffin) Okay. What would it depend on?  
 24 A If we were talking about something with Formosa  
 25 Plastics, and we wanted to include a member of Formosa

1 Plastics that was presenting something to us, that could be  
 2 done. It's what's allowable by law.  
 3 Q Okay. What about on the May 9th meeting, who was  
 4 in that closed session?  
 5 A If I remember correctly, it would have been all the  
 6 board members that were present. I think Mr. Melcher was --  
 7 was absent on that day. It would have been legal counsel,  
 8 the port director, the deputy director, and I don't recall  
 9 whether Mr. Knuckey was in there also or not.  
 10 Q Who is Mr. Knuckey?  
 11 A He's the port engineer.  
 12 Q How do you spell that for Ms. Dowell?  
 13 A K-n-u-c-k-e-y.  
 14 Q Were any members of the public in that meeting?  
 15 A Not that I recall.  
 16 Q And as I understand it, the port does not tape  
 17 record its closed sessions; is that right?  
 18 A Correct.  
 19 Q Do you know why that is?  
 20 A It was recommended to us by counsel is what I would  
 21 say.  
 22 Q Okay.  
 23 A To comply with -- we can comply with the Act by not  
 24 recording and keeping a certified agenda, and that was the  
 25 policy that the port adopted.

1 Q Okay. And is it Mr. Hausmann that takes the notes  
 2 for the certified agenda?  
 3 A Yes, sir, I believe.  
 4 Q And do you take notes as well, Mr. Boyd?  
 5 A No, sir, I don't.  
 6 Q All right. Do you review Mr. Hausmann's notes for  
 7 accuracy?  
 8 A I review what he gives me to sign.  
 9 Q Okay. And that would be the certified agenda.  
 10 A Correct.  
 11 Q All right. And on May 9th, in the closed session,  
 12 was Mr. Hausmann taking notes of that closed session.  
 13 A You'd have to ask Mr. Hausmann.  
 14 Q Do you recall signing off on the certified agenda  
 15 for that meeting?  
 16 A Yes, I do.  
 17 Q Do you recall whether it was accurate or  
 18 inaccurate?  
 19 A No, I don't.  
 20 Q Pardon me for not being too quick. I'm going  
 21 through Mr. Hausmann's -- so I'm trying to speed this up a  
 22 little bit.  
 23 Do you agree with Mr. Hausmann that y'all were in  
 24 closed session for about one hour and 18 minutes?  
 25 A I don't recall.

1 Q And of the time you were in closed session, how  
2 much of that time was spent discussing Blake Farenthold?  
3 A I don't recall.  
4 Q Mr. Hausmann said about 50 minutes. Does that  
5 sound right to you?  
6 A I don't recall.  
7 Q Who would be the best person to ask get an answer  
8 for that question?  
9 A I don't know. I'm -- there were several people  
10 there. You may get several different answers.  
11 Q Okay. Let me go back. Maybe I can short circuit  
12 some of this. Is it your position, Mr. Boyd, that  
13 everything that was discussed in the closed session is  
14 protected by the attorney-client privilege?  
15 A Yes, sir, it would be.  
16 Q All right. And you're not gonna answer any  
17 questions about the topics of discussion that happened in  
18 the closed session?  
19 A I'm gonna answer in the same status of, that's  
20 protected by the attorney-client privilege.  
21 Q All right. Well, I'm not gonna ask you any  
22 questions about a closed session?  
23 A Okay.  
24 Q That will speed things up a little bit.  
25 A Okay.

1 Q Was any other applicant, other than Blake  
2 Farenthold, considered for the legislative liaison position?  
3 A That's attorney-client privilege in closed session,  
4 sir.  
5 Q Are you refusing to answer that question?  
6 MR. COBB: Yeah, I mean, if -- if it's  
7 privileged, it's privileged. I wasn't a party to the  
8 meeting if it was discussed.  
9 A In my opinion, it's privileged information with the  
10 attorney-client. So --  
11 Q (By Mr. Griffin) I'm not talking about the closed  
12 session now.  
13 A I'm talking about this discussion that you're  
14 asking me about what had happened in closed session.  
15 Q That Mr. Farenthold was the only applicant?  
16 A No, sir; that there may have been other applicants  
17 discussed in closed session.  
18 Q Okay.  
19 A Or whether there were other applicants available in  
20 closed session.  
21 Q All right. Let me just back up so we can get this  
22 clear on the record.  
23 Was Mr. Farenthold the only applicant for the  
24 legislative liaison position?  
25 MR. COBB: Objection. Attorney-client

1 privilege if the only time that that was discussed was in  
2 the presence of an attorney for the purposes of seeking  
3 attorney legal advice.  
4 MR. GRIFFIN: Are you instructing the witness  
5 not to answer?  
6 MR. COBB: If the witness confirms that  
7 factual predicate --  
8 THE WITNESS: I confirm it.  
9 Q (By Mr. Griffin) Are you taking your lawyer's  
10 advice?  
11 A I'm taking my lawyer's advice, yes, sir.  
12 Q Was it put out to the public that the port was  
13 wanting to hire a legislative liaison so other people could  
14 apply?  
15 A I don't know.  
16 Q Did you have any role in that?  
17 A No, sir. I don't have any role in hiring of that  
18 position.  
19 Q Are you aware that that was done?  
20 A I don't know.  
21 Q Well, don't know whether it was done; or do you  
22 have an idea that it might have been done?  
23 A I -- I don't know.  
24 Q Do you know if the port let anyone other than Blake  
25 Farenthold know that it was interested in hiring a

1 legislative liaison?  
2 A I don't know.  
3 Q Do -- were you involved in anything like that?  
4 A I may have asked the question of people, if there  
5 was someone else that could have helped us.  
6 Q All right. Tell me about that.  
7 A Just in and around, when I'm out with different  
8 people in different meetings and different things, I may  
9 have asked people at the Dredging Contractors of America. I  
10 could have asked anyone in D.C., you know, "We've got this  
11 issue. Who could" -- "Who could get our legislation  
12 through?"  
13 Q All right. As far as any other people applying for  
14 the position, you can't tell me that because of  
15 attorney-client privilege, right?  
16 A Correct.  
17 Q And Mr. Farenthold would have been a full-time port  
18 employee, correct?  
19 A It's my understanding, Mr. Farenthold was hired as  
20 a full-time port employee, correct.  
21 Q Do you know anything about his attendance  
22 requirements with the port?  
23 A His attendance is in Washington, D.C.  
24 Q Okay. So he didn't have any attendance  
25 requirements here?

1 A Not that I know of.

2 Q In Calhoun County? Was there any requirements

3 about what hours he'd be working, or anything like that?

4 A If they were, they were discussed in closed session

5 under attorney-client privileged.

6 Q All right. And you're not gonna answer that

7 question, correct?

8 A No, sir, I'm not gonna answer that question.

9 Q Outside of closed session, Mr. Boyd, did you have

10 any discussions with any individuals about the pros and cons

11 of hiring Mr. Farenthold?

12 A I possibly could have discussed it with Dell

13 Weathersby. We are very good friends.

14 Q Okay. And did you and Mr. Weathersby discuss any

15 of the downside of hiring Mr. Farenthold?

16 A Not that I recall.

17 Q Or potential downside.

18 A Not that I recall. In the discussions that we had

19 were related to how do we solve our 25 or \$50 million

20 problem.

21 Q Okay. Let's see. I think it's Exhibit No. 1. Let

22 me show you Exhibit No. 1 and ask if you've seen that

23 before.

24 A Yes, I have.

25 Q Is -- where, on that agenda, does it state that

1 Mr. Farenthold was being considered to be hired?

2 MR. COBB: Objection. Form.

3 A Under Agenda Item No. 11, it states that we are

4 going into the closed session as authorized of Texas

5 Government Code 551 for the purpose of deliberating the

6 appointment, employment, compensation, evaluation, the

7 reassignment, duties, discipline, or dismissal of a public

8 officer or employee.

9 Q (By Mr. Griffin) Do you know why Mr. Farenthold's

10 name is not included in that?

11 A I don't believe it needs to be.

12 Q Did you -- did you have any role in preparing that

13 agenda?

14 A No, sir, I did not. I knew this agenda item.

15 There could have been three or four people that were

16 discussed.

17 Q Okay. Mr. Hausmann testified that there was no

18 consensus reached about the hiring of Mr. Farenthold. Do

19 you remember that?

20 A I remember him stating that.

21 Q What -- can you tell me about that?

22 A That was in closed session. No, sir, I can't.

23 Q All right. So you're refusing to answer that on

24 attorney-client privilege?

25 A I will state that there was no consensus reached in

1 closed session.

2 Q When you say, "no consensus reached," what does

3 that mean?

4 A It means there was no consensus reached.

5 Q Well, I know. But can you explain that a little

6 bit for me?

7 A The words speak for themselves, sir. No consensus

8 was reached.

9 Q Well, I mean, what does "consensus" mean to you?

10 A No consensus. It means "consensus."

11 Q But what does "consensus" mean to you?

12 MR. COBB: Objection. Form.

13 A It means consensus.

14 Q (By Mr. Griffin) Well, what is your definition of

15 "consensus"?

16 A I don't have a definition of "consensus."

17 Q What it means to me is that all the board members

18 did not agree on the hiring of Mr. Farenthold. Am I wrong

19 it that?

20 A I don't know.

21 MR. COBB: Objection. Form.

22 A That's your definition.

23 Q (By Mr. Griffin) Did the all the commissioners

24 agree on the hiring of Mr. Farenthold?

25 MR. COBB: Objection. Form.

1 A That would have been something that happened in

2 closed session. If you're asking me what happened in closed

3 session, I have to go back to attorney-client privilege.

4 Q Okay. So you're refusing to answer that question.

5 A If you're asking me what happened in closed

6 session, I will have to go back to the attorney-client

7 privilege.

8 Q Okay. Did the board authorize you to direct

9 Mr. Hausmann to hire Mr. Farenthold after y'all reconvened

10 in open session?

11 A No.

12 Q Okay. On -- well, after you reconvened in open

13 session on May 9th, did you announce, after the closed

14 sessions, that you were directing Mr. Hausmann to hire the

15 person discussed in closed session?

16 A I made a statement, to some regard, of that manner.

17 Q All right. Let me show you Deposition Exhibit

18 No. 3, and I highlighted the portion it's talking about.

19 A Yes, sir.

20 Q Is that a true and accurate statement that I

21 highlighted?

22 A More or less. It says the "Board Chair" -- "Board

23 Chair, Randy L. Boyd, directed the Port Director to proceed

24 with the hiring of the person discussed." And the reason I

25 normally make a statement, when we come out on something



1 like that, is to give other board members an opportunity to  
2 comment if somebody would like to.

3 It's nothing more than a comment that I made to the  
4 port director.

5 Q All right. And why wasn't Mr. Farenthold's name  
6 used?

7 A Again, it wasn't used. I didn't mention it.

8 Q All right. You described him as the person  
9 discussed in closed session.

10 A It might not have been Mr. Farenthold we discussed  
11 in closed session, sir.

12 Q Well, let me ask you this, Mr. Boyd, that -- let me  
13 see this for a second. The this section here, it says,  
14 "Randy Boyd directed the port to proceed to hiring a person  
15 discussed in closed session."

16 Is that referring to Mr. Farenthold?

17 A Yes.

18 Q Okay. And I'm going to go back to my other  
19 question. Why didn't you use Mr. Farenthold's name?

20 A Because he wasn't hired at that time; and, again,  
21 it -- one of the things that we're supposed to do through  
22 the Opening Meetings Act is protect people.

23 What if we didn't hire him? What if he refused to  
24 go to work? It was the -- it was the deal of Mr. Hausmann,  
25 gonna go and discuss the hiring of Mr. Farenthold. If he

1 refused to come to work for us, then he would refuse to come  
2 to work for us.

3 Q All right. Do you know why the salary -- the  
4 salary range of Mr. Farenthold was not placed on the agenda  
5 for the May 9th meeting?

6 A No, sir.

7 Q And does the port have a written contract with  
8 Mr. Farenthold?

9 A Not to my knowledge.

10 Q All right. Does anyone at the port have a written  
11 contract?

12 A Not to my knowledge.

13 Q Employees?

14 A Not to my knowledge.

15 Q Do you know how --

16 (Cell phone rings)

17 THE WITNESS: Is that me? Excuse me. I  
18 thought I turned it off. I apologize.

19 Q (By Mr. Griffin) Do you know how it was confirmed  
20 with Mr. Farenthold what his salary would be?

21 A No, sir, I don't.

22 Q What about his job benefits?

23 A That would be something you'd have to ask the port  
24 director. He's the one that hired him.

25 Q All right. So you don't know anything about how --

1 how it was confirmed with Mr. Farenthold about his job  
2 duties?

3 A No, sir. I'm -- again, other than the information  
4 that was passed in closed session under attorney-client  
5 privilege.

6 Q Okay. But you don't know how that was confirmed  
7 with Mr. Farenthold?

8 A No, sir. I was not a party to any of that.

9 Q Attendance requirements, do you know how that was  
10 confirmed?

11 A I do not.

12 Q Hours worked?

13 A I do not.

14 Q And rules of conduct?

15 A I do not.

16 Q Would that have been something that Mr. Hausmann  
17 would have been responsible for doing?

18 A I would believe so.

19 Q Other than the agenda marked as Exhibit 1, did the  
20 port make any other efforts to notify the public that it  
21 would be considering hiring Blake Farenthold to be  
22 legislative liaison?

23 A I don't know.

24 Q Okay.

25 MR. COBB: Objection. Form.

1 Q (By Mr. Griffin) Do you agree that the hiring of  
2 Mr. Farenthold was unprecedented at the port?

3 MR. COBB: Objection. Form.

4 A No.

5 Q (By Mr. Griffin) Do you agree that nobody except  
6 Mr. Hausmann was hired with a salary of 160,000?

7 A I would agree that no one else living in Calhoun  
8 County was hired at a salary of 165,000.

9 Q Well, who else was hired at a salary of 160,000  
10 other than Mr. Farenthold?

11 A Mr. Farenthold, but he's at a different cost of  
12 living where he's living in Washington D. C.

13 Q But he -- but him and Mr. Hausmann are the only  
14 two, correct?

15 A To the best of my knowledge, they're the only ones.

16 Q And it was the first time that the port was hiring  
17 a full-time legislative liaison, correct?

18 A To the best of my knowledge.

19 Q And has the port ever hired anybody with the public  
20 history that Mr. Farenthold has?

21 MR. COBB: Objection. Form.

22 A I don't know.

23 Q (By Mr. Griffin) To your knowledge, has the port  
24 ever hired an ex-congressman.

25 A I don't know.

1 Q To your knowledge, has the port ever hired an  
 2 ex-politician?  
 3 A I think we have, but I'm not absolutely sure of  
 4 that.  
 5 Q Who would that be? Do you know?  
 6 A It seems like we hired a gentleman that was an  
 7 ex-Texas congressman to do some legislative work for us  
 8 once.  
 9 Q Who was this guy?  
 10 A I don't recall his name. It would have been in the  
 11 last 10 years.  
 12 Q All right. Mr. Hausmann testified that no  
 13 ex-politician had ever been hired. So you disagree with him  
 14 on that point?  
 15 A No, sir. I've answered your question. I don't  
 16 know for absolute sure, but I believe -- again, I've been on  
 17 the board longer than Mr. Hausmann has been working here.  
 18 Q Okay. Fair enough. Has the port ever hired anyone  
 19 that was involved in the back-and-forth spat with the  
 20 Governor of Texas --  
 21 A I don't know.  
 22 Q -- other than Mr. Farenthold?  
 23 A I don't know.  
 24 Q Do you know if the port has ever hired anyone who  
 25 utilized public funds to settle litigation involving

1 allegations of sexual harassment?  
 2 MR. COBB: Objection. Form.  
 3 A State that question again.  
 4 Q (By Mr. Griffin) Do you know if the port has ever  
 5 hired anybody who utilized public funds to settle litigation  
 6 involving allegations of sexual misconduct?  
 7 A We've never hired anybody to do that, including  
 8 Mr. Farenthold.  
 9 Q You don't think he used public funds to settle --  
 10 A No, sir, I don't think he did. I think the  
 11 record's clear on that.  
 12 Q Okay. Has the port authority ever asked -- I mean,  
 13 ever hired anyone who's been asked by the Speaker of the  
 14 House of Representatives to resign as a member of Congress?  
 15 A I don't know.  
 16 Q Has the port ever hired anyone who's refused to be  
 17 interviewed by the House Ethics Committee other than  
 18 Mr. Farenthold?  
 19 A I don't know that Mr. Farenthold falls into that  
 20 category.  
 21 Q Well, I've got a -- let's see here. See if I can  
 22 find it. I've got --  
 23 (Boyd Exhibit No. 9 was marked)  
 24 Q (By Mr. Griffin) I'm going to show you what's been  
 25 marked as Exhibit 9 and ask if you've ever seen that

1 document before.  
 2 A What was the question again?  
 3 Q Okay. If that document you're holding -- what's it  
 4 state, Exhibit No. 9?  
 5 A Yes, sir.  
 6 Q If it states that Mr. Farenthold refused to be  
 7 interviewed by the House Ethics Committee, would you have  
 8 any reason to dispute that?  
 9 A I would say it does not. It does not say that  
 10 anywhere in there I have read.  
 11 Q So you didn't see it in there?  
 12 A No, sir.  
 13 Q Do you recall whether there were news reports that  
 14 Mr. Farenthold committed to paying back \$84,000 paid for his  
 15 sexual harassment suit?  
 16 A I don't know.  
 17 Q Do you know whether he committed to paying that  
 18 back, and then refused to pay that back?  
 19 A It's my understanding, from what I did hear about  
 20 that, is that he committed to paying that back; and after it  
 21 was discussed further, he was told legally that it was -- he  
 22 was unable to pay that back by legal precedent.  
 23 Q Is Mr. Farenthold the only port employee who's ever  
 24 been hired and faced that situation as far as you know?  
 25 A I do not know.

1 MR. COBB: Objection. Form.  
 2 Q (By Mr. Griffin) So in a lot of ways, would you  
 3 agree with me, that Mr. Farenthold's hiring was  
 4 unprecedented?  
 5 MR. COBB: Objection. Form.  
 6 A No.  
 7 Q (By Mr. Griffin) The only congressman, right, that  
 8 you hired?  
 9 A I'm not sure.  
 10 Q If he was the only congressman that was hired,  
 11 would you agree that that would be unprecedented?  
 12 A I don't know.  
 13 Q Okay. Do you agree that it's important to the  
 14 public of Calhoun County and the general public to ensure  
 15 that public funds are not used for private purposes?  
 16 MR. COBB: Objection. Form.  
 17 A Yes.  
 18 Q (By Mr. Griffin) And is it important that public  
 19 funds not be misused?  
 20 MR. COBB: Objection. Form.  
 21 A Yes.  
 22 Q (By Mr. Griffin) And is it important that salaries  
 23 are not paid for services that are not rendered?  
 24 A Yes.  
 25 MR. COBB: Objection. Form.

1 Q (By Mr. Griffin) Do you think it's important to the  
2 public that the port's legislative liaison be respected by  
3 the legislators he's interacting with?  
4 MR. COBB: Objection. Form.  
5 A Yes. And I believe Mr. Farenthold is.  
6 Q (By Mr. Griffin) Do you think it's in public --  
7 important to the public that Mr. Farenthold, prior to his  
8 hiring, had accused the Speaker of the House Paul Ryan, of  
9 not following through with his commitment?  
10 MR. COBB: Objection. Form.  
11 A State that question again.  
12 Q (By Mr. Griffin) Do you think it's in public --  
13 important to the public that Mr. Farenthold has accused  
14 Speaker of the House Paul Ryan of not following through with  
15 various commitments?  
16 MR. COBB: Objection. Form.  
17 A Say that one more time, David. I'm sorry.  
18 Q (By Mr. Griffin) That's okay.  
19 MR. COBB: We can have a standing objection if  
20 that's --  
21 A Yeah. That's -- I'm trying to understand the  
22 question fully.  
23 Q (By Mr. Griffin) Do you think it's important to the  
24 public that Mr. Farenthold had accused Speaker of the House  
25 of not following through with his commitments?

1 A I think it's important to the public that they hear  
2 the truth.  
3 Q Okay. That's not really the question.  
4 A That's the answer.  
5 Q That's -- that's the way you're going to answer it?  
6 A Yes, sir.  
7 MR. GRIFFIN: Well, I object to nonresponsive.  
8 Q (By Mr. Griffin) Do you know whether, prior to the  
9 port's hiring of Mr. Farenthold, that he accused Paul Ryan  
10 of welshing on a commitment to him?  
11 MR. COBB: Objection. Form.  
12 Q (By Mr. Griffin) Are you aware of that?  
13 A I'm aware of a few situations where Speaker Ryan  
14 welshed on things.  
15 Q Do you think that is important to the public, that  
16 Mr. Farenthold has accused Mr. Ryan of that?  
17 A No.  
18 Q Do you think it's important to the public, that  
19 prior to the hiring of Mr. Farenthold, that Governor Abbott  
20 had called Blake Farenthold disgraced?  
21 MR. COBB: Objection. Form.  
22 A No.  
23 Q (By Mr. Griffin) Do you think it's important to the  
24 public that Mr. Farenthold resigned from Congress seven days  
25 after being told by the Ethics Committee that it would be

1 issuing a verdict on him?  
2 MR. COBB: Objection. Form.  
3 A Um. No.  
4 Q (By Mr. Griffin) And -- and to speed things up, I'm  
5 not gonna go through all these articles again; but I'll just  
6 summarize them.  
7 Are you aware of reports that Mr. Farenthold  
8 threatened Senator Collins from Maine with a duel?  
9 MR. COBB: Objection. Form.  
10 A I'm aware of numerous fictitious reports of  
11 Mr. Farenthold.  
12 Q (By Mr. Griffin) Aaron Burr -- what is it? Aaron  
13 Burr-style duel? Are you familiar with that?  
14 A I'm -- I am familiar with several fictitious  
15 reports.  
16 Q Are you --  
17 A I'm -- just as the ethics panel exonerated  
18 Mr. Farenthold on the same thing that we're saying he was  
19 gonna be -- allegedly have a vote on.  
20 Q Are you aware of reports that accuse  
21 Mr. Farenthold of sexual harassment?  
22 A I am aware of the single report that accused  
23 Mr. Farenthold of sexual harassment within the green.  
24 Q The green --  
25 A Matter.

1 Q But do you agree that --  
2 A And he was exonerated by the panel committee on  
3 ethics from what I understand, and what I have read.  
4 Q That particular case, though, you would agree has  
5 been reported by numerous news outlets.  
6 A I don't know who all it's been reported by.  
7 Q More than one outlet, though, correct?  
8 A I don't know. I'm going off of what I've said and  
9 what I've read.  
10 Q Okay.  
11 A Or what I've heard from people and what I've read.  
12 Not what I've read in the papers.  
13 Q Okay. Are you aware of news reports that show that  
14 Mr. Farenthold settled his sexual harassment case with  
15 government funds?  
16 A Mr. Farenthold did not have a sexual harassment  
17 case. His office had a sexual harassment case.  
18 Q Are you aware of those reports, though?  
19 A I'm aware of a --  
20 MR. COBB: Objection. Form.  
21 A I'm aware of his office settling, in accordance  
22 with Congress, and in accordance with the law.  
23 Q (By Mr. Griffin) And those have been widely  
24 reported in the news. Would you agree with that?  
25 MR. COBB: Objection. Form.

1 A Some of that has been reported accurately. Some  
2 inaccurately.

3 Q (By Mr. Griffin) All right. Are you aware of Mr.  
4 Farenthold's apparent spat with Speaker Paul Ryan?

5 A Define "spat."

6 Q Are you aware of news reports showing that there's  
7 friction between the two?

8 A I don't watch the news very much; so, I'm not sure  
9 if I'm familiar with that or not.

10 Q Okay. And you are familiar with reports that  
11 Mr. Farenthold agreed to pay back the green money and then  
12 refused to do so.

13 A I am aware of the fact that Mr. Farenthold, from  
14 what I understand, made a statement that he would pay this  
15 back; and when it was reviewed, he was unable to do that  
16 because of Federal law.

17 Q And you're aware of news reports that talk about  
18 that, aren't you?

19 A I am -- no, I'm not. I'm aware of news reports  
20 that make -- say he's supposed to pay this back. I'm not  
21 aware of anyone -- any news report that reports this  
22 accurately that it's -- violates the law.

23 Q Okay. Are you aware of news reports talking about  
24 Mr. Farenthold's bickering back and forth with Governor  
25 Abbott of Texas?

1 A I've seen vague things about the governor calling a  
2 special election.

3 Q Right. Wanting Mr. Farenthold to pay for it.

4 A When it was the governor's discretion to call that.

5 Q Right. But there's news reports out about the  
6 friction between the two --

7 A I don't pay attention to news reports, sir, because  
8 half of them are inaccurate.

9 Q Okay. Are you aware that they exist, though --

10 A Vaguely. I do not read the paper.

11 Q Okay. And have you seen the photo of  
12 Mr. Farenthold in his pajamas?

13 A I have seen a photo that has been photoshopped that  
14 was presented here earlier, and I have seen an original  
15 photo of that.

16 Q Were you aware of that photo prior to  
17 Mr. Farenthold's hiring?

18 A No.

19 Q Do you think the public would have an interest in  
20 the port hiring a legislative liaison with these various  
21 news reports out there?

22 A No.

23 MR. COBB: Objection. Form.

24 Q (By Mr. Griffin) No?

25 A I think the port is interested in us getting -- let

1 me rephrase that. I think the port is interested in the  
2 port and the board getting the jetties repaired so that we  
3 do not cause a billion-a-month impact if those jetties fail.

4 Q Thank you. That's really not the question I asked,  
5 though.

6 My question was, do you think the public would have  
7 an interest in the port hiring such a person with this  
8 baggage?

9 MR. COBB: Objection. Form.

10 A What baggage?

11 Q (By Mr. Griffin) The threatening of the duel,  
12 sexual harassment case, the payment of government funds, the  
13 spat with Speaker Ryan, the agreeing to pay back the funds  
14 and then refusing to do so, bickering with the governor.

15 A All of these are allegations, sir. What's the  
16 truth?

17 Q Do you think, though, that the public may have an  
18 interest with the port hiring such a person --

19 A No.

20 MR. COBB: Objection. Form.

21 Q (By Mr. Griffin) In your mind, Mr. Boyd, who would  
22 be the primary person that Mr. Farenthold would be dealing  
23 with to get the port off the hook for the improvement of the  
24 jetties financially?

25 A I don't know.

1 Q Who would be guiding Mr. Farenthold in that  
2 endeavor?

3 A I think Mr. Farenthold has enough experience to  
4 guide himself.

5 Q So he was just -- you just said, "Get this done"  
6 and expected him just to do it?

7 A That's my understanding.

8 Q Do you think that he would be talking with various  
9 Congressmen?

10 A Possibly.

11 Q All right. Who else do you think, in your mind,  
12 would he be talking to?

13 A Again, I'm not an expert in this field, sir.

14 Q Right.

15 A I don't know.

16 Q And you want legislation passed, though, correct?

17 A Yes, sir.

18 Q So it would be -- common sense would tell you, it  
19 would be congressmen and women, their aides. Anyone else  
20 you can think of?

21 A I don't know. Again, I'm not an expert in what it  
22 takes to get legislation done. That's why Mr. Farenthold  
23 was hired. He is the expert.

24 Q All right. And while the board sets policy, it  
25 will be part of Mr. Farenthold's job duty is to be -- help

1 set that policy, wouldn't it?

2 MR. COBB: Objection. Form.

3 A I don't really believe.

4 Q (By Mr. Griffin) Okay. Well, at least, let me see

5 here, Exhibit No. -- No. 8 says that he will be "Developing

6 and guiding CPA'S public policy agenda"?

7 A Yes, sir. Developing and guiding an agenda.

8 Q Sure. And you agree with that?

9 A I believe that he may be developing and guiding.

10 Developing is nothing more than writing something down on a

11 piece of paper.

12 Q Okay. Were any efforts made before the May 9th

13 meeting to determine the public's interest in whether the

14 board should hire -- whether the port should hire Blake

15 Farenthold?

16 MR. COBB: Objection. Form.

17 A I don't know.

18 Q (By Mr. Griffin) Are you aware of any?

19 A I don't know.

20 Q Did you consider Mr. Farenthold's hire just an

21 ordinary hire?

22 A Yes, sir.

23 Q Nothing special about it?

24 A No. Ordinary hire for a specific task.

25 Q And you didn't think the public would have any

1 special interest in the hiring of Mr. Farenthold?

2 A No, sir.

3 Q Have you received any feedback from the public

4 about the port's hiring of Mr. Farenthold?

5 A Some.

6 Q Can you explain that?

7 A I've received a couple of e-mails. One person sent

8 me a text message, or whatever it might have been. I don't

9 recall all of them.

10 Q So you got two e-mails, and one text message?

11 A I don't know the exact number.

12 Q Okay. Do you think that might be evidence of the

13 public's interest in hiring of Mr. Farenthold?

14 MR. COBB: Objection. Form.

15 A No, sir. I don't know who any of this was from. I

16 mean, some of it may have names on it. Some may not have,

17 but that doesn't mean Joe off the street couldn't have done

18 it.

19 Q (By Mr. Griffin) Right. But the feedback you were

20 receiving, you discount that as far as the public being

21 interested in Mr. Farenthold's hiring?

22 A When I represent approximately 1500 people, and

23 I've had four discuss this with me -- or whatever the number

24 might be -- yes, sir, I discount it.

25 Q So you think it's only four?

1 A That's -- four or five may be what I've had.

2 Q And anyone just talk to you orally, other than

3 e-mails and texts?

4 A In about the same category; and of that, the ones

5 that were actually in my district might have been one or

6 two.

7 Q Okay. So you don't think that -- even after the

8 hiring and the feedback you've got, you're still of the

9 opinion that it's not a public interest that the port hires

10 Mr. Farenthold?

11 A No, sir, I don't think it is. I think it's public

12 interest that the board get the jetty repaired.

13 MR. COBB: Objection. Form.

14 Q (By Mr. Griffin) Have you had any discussions with

15 other port board members about the public's reactions to the

16 hiring of Mr. Farenthold?

17 A Yes.

18 Q Can you tell me about that?

19 A No. It's all in closed session under the

20 attorney-client privilege.

21 Q So you're refusing to answer that?

22 A That's attorney-client privilege.

23 Q Prior to being hired by the port, are you aware of

24 Mr. Farenthold helping or aiding any board members in

25 securing federal contracts?

1 A No.

2 MR. COBB: Objection. Form.

3 A Not in securing federal contracts.

4 Q (By Mr. Griffin) Okay. Do you know whether he has

5 written letters on behalf of any board members?

6 A No.

7 Q Are you aware of whether he talked to the Corps of

8 Engineers on behalf of any board member?

9 A I don't know.

10 Q What projects or work was Mr. Farenthold involved

11 in with the port while he was in office?

12 Did he pass any legislation that the port wanted

13 done?

14 A I don't recall. And he's been involved with the

15 jetty, with the Matagorda Ship Channel getting funding.

16 He's been involved with numerous, you know, appropriations

17 bills, and this and that.

18 What are in those bills, I don't know.

19 Q Has your company, Mr. Boyd, RLB, has it been

20 involved in any port projects during the last 10 years?

21 A Define "a port project," please.

22 Q Doing work on behalf of the port.

23 A Define "on behalf of the port."

24 Q Well, that the port --

25 A Are you saying -- RLB Contracting has not entered

1 into a contract with the Calhoun Port Authority, and has  
2 complied with the conflict of interest that has been issued  
3 by the port.

4 Q Fair enough. Has RLB done work on behalf of the  
5 Corps of Engineers for any port projects?

6 A RLB does numerous jobs for the Corps of Engineers.

7 Q And was Blake Farenthold involved in any of those  
8 projects while he was a congressman?

9 A I don't know. When RLB does work for the Corps of  
10 Engineers, for RLB to get a Corps of an Engineers' project,  
11 RLB has to be the low bidder.

12 Q Okay.

13 A At a public bid opening.

14 Q Do you know whether Blake Farenthold has ever  
15 intervened on RLB's behalf to help secure a project with the  
16 Army Corps of Engineers?

17 A I don't believe he's able to by law, but I don't  
18 know. Not to my knowledge.

19 Q Do you know whether Mr. Farenthold has ever  
20 advocated for your company to get a government contract  
21 while he was a congressman?

22 A I don't know. I mean, I am a company that is  
23 within his district. If I had to assume, I would assume he  
24 advocates for many companies that are within his district.

25 Q Right, Mr. Boyd. I'm just asking what you know

1 personally.

2 A I don't know of any. Personally, I don't know of  
3 any contract that ever had any influence.

4 Q That Mr. Farenthold had any --

5 A That I know, correct.

6 MR. GRIFFIN: Okay. If we can take a short  
7 break, I believe I'm almost done.

8 (Break from 3:08 p.m. to 3:11 p.m.)

9 MR. GRIFFIN: Back on that record.

10 Q (By Mr. Griffin) Okay, Mr. Boyd. I think that's  
11 all the questions I have. Have you understood the questions  
12 that I asked you?

13 A I believe I have.

14 Q All right. Have I been courteous to you?

15 A Fairly.

16 Q Okay. Thank you. All right.

17 MR. GRIFFIN: Pass the witness.

18 MR. COBB: We'll reserve for trial.

19 (Deposition concluded at 3:11 p.m.)

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# CHANGES AND SIGNATURE

2 WITNESS NAME: \_\_\_\_\_ DATE OF DEPOSITION: \_\_\_\_\_

3 PAGE LINE CHANGE REASON

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1 I, RANDY L. BOYD, have read the foregoing deposition  
2 and hereby fix my signature that same is true and correct,  
3 except as noted above.

4 \_\_\_\_\_  
5 \_\_\_\_\_  
6 RANDY L. BOYD

7 STATE OF \_\_\_\_\_)

8 COUNTY OF \_\_\_\_\_)

9 Before me, \_\_\_\_\_, on this day personally  
10 appeared RANDY L. BOYD, known to me (or proved to me under  
11 oath or through \_\_\_\_\_) to be the person whose name  
12 is subscribed to the foregoing instrument and acknowledged  
13 to me that they executed the same for the purposes and  
14 consideration therein expressed.

15 Given under my hand and seal of office this  
16 \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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21 NOTARY PUBLIC IN AND FOR  
22 THE STATE OF \_\_\_\_\_  
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CAUSE NO. 2018-CV-3354-DC

VICTORIA ADVOCATE PUBLISHING CO., § IN THE DISTRICT COURT OF  
Plaintiff, §  
V. § CALHOUN COUNTY, TEXAS  
§  
CALHOUN PORT AUTHORITY §  
Defendant. § 135TH JUDICIAL DISTRICT

REPORTER'S CERTIFICATION

DEPOSITION OF RANDY L. BOYD

JULY 31, 2018

I, TOI K. DOWELL, certified Shorthand reporter in and  
for the State of Texas, hereby certify to the following:

That the witness, RANDY L. BOYD, was duly sworn by the  
officer and that the transcript of the deposition is a true  
record of the testimony given by the witness;

That the deposition transcript was submitted on  
\_\_\_\_\_, 2018, to the witness or to the attorney  
for the witness for examination, signature and return to me  
by \_\_\_\_\_, 2018;

That the amount of time used by each party at the  
deposition is as follows:

Mr. David C. Griffin - 1:08  
Mr. Bill Cobb - 00:00

That pursuant to information given to the deposition  
officer at the time said testimony was taken, the following

the Custodial Attorney;

That §\_\_\_\_\_ is the deposition officer's charges  
to the plaintiff for preparing the original deposition  
transcript and any copies of exhibits;

That the deposition was delivered in accordance with  
Rule 203.3, and that a copy of this certificate was served  
on all parties shown herein on \_\_\_\_\_ and filed  
with the Clerk.

Certified to by me this \_\_\_\_\_ day of \_\_\_\_\_,  
2018.

*Toi K. Dowell*  
Toi K. Dowell, CSR #2768  
Certification Expires 12-31-2019  
Hill & Romero  
Certified Court Reporters  
Firm Registration No. 313  
3700 North 10th Street, Suite 220  
McAllen, Texas 78501  
(956) 287-8898

includes all parties of record:

Mr. David C. Griffin, Attorney for Plaintiff  
Mr. Bill Cobb, Attorney for Defendant

I further certify that I am neither counsel for,  
related to, nor employed by any of the parties or attorneys  
in the action in which this proceeding was taken, and  
further that I am not financially or otherwise interested in  
the outcome of the action.

Further certification requirements pursuant to Rule  
203 of TRCP will be certified to after they have occurred.

Certified by me this \_\_\_\_\_ day of \_\_\_\_\_,  
2018.

*Toi K. Dowell*  
Toi K. Dowell, CSR #2768  
Certification Expires 12-31-2019  
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McAllen, Texas 78501  
(956) 287-8898

FURTHER CERTIFICATION UNDER RULE 203 TRCP

The original deposition was/was not returned to the  
deposition officer on \_\_\_\_\_;

If returned, the attached Changes and Signature page  
contains any changes and the reasons therefor;

If returned, the original deposition was delivered to